



1646\$

PATENT
Our Reference No. 056100-5039-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wolf B. FROMMER et al.

Application No.: 09/913,767

Group Art Unit: 1646

Filed: January 10, 2002

Examiner: M. Ibrahim

For: NUCLEIC ACIDS THAT CODE FOR A NUCLEOBASE TRANSPORTER

Commissioner for Patents
U.S. Patent and Trademark Office
Arlington, VA 22202

Sir:

RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to Restriction Requirement responding to the Office Action dated March 23, 2004.
2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

[X] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months Requested
four month

Fee for Small Entity
\$ 740.00

3. Constructive Petition

[X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §' 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Payment

☒ [X] The Commissioner is hereby authorized to charge \$740.00 for a four-month extension to Deposit Account No. 50-0310.

☒ [X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §' 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.


5. Additional papers enclosed.

☒ [X] NONE

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: August 23, 2004

By: 
Erich E. Veitenheimer
Reg. No. 40,420

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., NW
Washington, D.C. 20004
202-739-3000



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Our Reference No. 056100-5039-US

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In re Application of:)
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Wolf B. FROMMER *et al.*)
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Application No.: 09/913,767) Group Art Unit: 1646
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NUCLEOBASE TRANSPORTER)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place, Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This Response responds to the Office Action dated March 23, 2004, the period for response having been extended from April 23, 2004 to August 23, 2004 by payment of a four-month extension of time.

In response to the restriction requirement in the Office Action, Applicant respectfully elects Group I, without traverse. Group I, claims 23-34, 37-43, and 45-56, is drawn to an isolated nucleic acid or a fragment thereof, a construct, plant/plant cell comprising said nucleic acid, and a method of using said nucleic acid.

Applicant also selects SEQ ID NO: 1 as required by the Detailed Action.

REMARKS

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time

under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Erich E. Veitenheimer

Reg. No. 40,420

Dated: August 23, 2004

Customer No. 009629

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